

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

LYKINWOLFE, INC. DBA RAJ URNS,

Plaintiff,

v.

IN THE LIGHT URNS, INC.; SUSAN
FRASER, individually,

Defendant.

Civil Action No.

COMPLAINT FOR COPYRIGHT
INFRINGEMENT

JURY TRIAL REQUESTED

I. PARTIES

1. Plaintiff Lykinwolfe, Inc. dba Raj Urns ("Raj Urns") is a Washington corporation having a place of business in Kent, Washington. Raj Urns is actively engaged in the design, production and sale of funeral urns and related products selling directly to consumers and wholesalers.

2. On information and belief, Defendant In The Light Urns, Inc. ("ITLU") is a California corporation having a principal business address at 9716 W. Grove Ave., Visalia, California 93291. Defendant is a purveyor of funeral urns and related products via its web site at *inthelighturns.com* and is a direct competitor of Raj Urns.

3. On information and belief, Defendant Susan Fraser (“Fraser”) is an owner and officer of ITLU and is directly responsible for controlling all aspects of the business affairs of the company. All activities of ITLU alleged herein were carried out under the direction and control of Fraser and for the benefit of any marital community that may exist related thereto.

4. On information and belief, Defendants offer for sale and sells funeral urns and related products via its web site to consumers across all fifty states, including in the State of Washington.

II. JURISDICTION AND VENUE

5. This action arises, in part, under the copyright laws of the United States of America: the Copyright Act, 17 U.S.C. § 101 *et seq.* Jurisdiction is conferred upon this Court by 28 U.S.C. §§ 1331 and 1338.

6. On information and belief, Defendants transact business in all 50 states in the United States, and infringement of Raj Urns’ copyrighted works occurred through at least online sales in this jurisdiction via direct and interactive website sales at least via its inthelightturns.com website. Accordingly, both jurisdiction and venue are proper in this Court. 28 U.S.C. §§ 1391 and 1400(a).

III. RAJ URNS BUSINESS AND COPYRIGHTS

7. Raj Urns designs, markets, and distributes on the internet at rajurns.com and other Internet sites funeral urns and related products to wholesalers and consumers across all 50 states.

8. Raj Urns is the owner of copyrights for originally designed funeral urns, including the following funeral urns:

- *American Pride*, U.S. Copyright Registration No. VA 1-742-857, effective October 12, 2010; and
- *Loving Doves*, U.S. Copyright Registration No. VA 2-109-717, effective December 21, 2017

Raj Urns has secured exclusive rights and privileges in and to the copyright for the funeral urns it has created, as identified by the corresponding U.S. Copyright Registrations noted above.



9. Raj Urns consistently provides copyright notice with a reservation of rights. For example, its catalog available at its website, on each page provides “All Designs ©2001-2018 LYKINWOLFE Inc.”.

IV. DEFENDANT’S INFRINGING ACTIVITIES

10. On information and belief, Defendants have intentionally and willfully manufactured, distributed and displayed copies of funeral urns substantially similar to Raj Urns’ copyrighted works, including without limitation urns sold under the brands: *American Pride* and *Loving Doves*. Presently available information confirms that Defendants have displayed and

1 distributed infringing copies since May 2019 under the brands *American Flag Eagle* and *Memorial*
2 *Dove*.

3 11. Defendants' knowledge and willful infringement of Raj Urns' copyrights is well-
4 documented. In 2014, Raj Urns had a relationship with a California company called United Priority
5 Distributors ("UPD") wherein UPD was an authorized wholesaler for Raj Urns products, including
6 Raj Urns' *American Pride* funeral urn. It is believed that at least during this period, UPD and ITLU
7 shared same management and owners, which included Fraser, with UPD serving as ITLU's
8 wholesale distributor. During this time period, UPD and Defendant were authorized by Raj Urns
9 to display and distribute Raj Urn's copyrighted *American Pride* urns.

10 12. In early 2014, upon reviewing UPD and Defendants' use of a photo of the *American*
11 *Pride* funeral urn on their respective websites, Raj Urns requested that UPD and Defendants
12 provide copyright attribution for display of Raj Urn's *American Pride* urn. The objectionable photo
13 was watermarked with the UPD and ITLU name. UPD and ITLU, through Fraser in her capacity
14 as owner and officer of both UPD and for ITLU, refused such attribution. After further objections
15 by Raj Urns, and after providing proof of its copyright in its *American Pride* urn, an acceptable
16 photo of the urn was approved by Raj Urns.

17 13. In late 2014, Raj Urns learned that UPD had manufactured and imported an
18 infringing copy of Raj Urns' *American Pride* urn. Raj Urns promptly provided UPD with a copy
19 of the *American Pride* copyright registration and demanded that infringing conduct cease. UPD
20 acknowledged Raj Urns' copyright ownership in the *American Pride* urn, and informed Raj Urns
21 that it had notified its exporter of the copyright and that it would not sell the *American Pride* urn.
22 In part because of the issues with UPD and Defendant, Raj Urns terminated its relationship with
23 UPD in early 2015. Based on representations made by UPD at the time, Raj Urns understood that
24 all infringing sales of the *American Pride* urn had ceased and that the matter was resolved. Raj
25 Urns had no further communications with UPD or Defendant at that time.
26

1 14. On information and belief, at all times during the pendency of the above-described
2 dispute with UPD and ITLU, Fraser was an owner and executive of both Defendant and UPD, was
3 fully aware of the copyright issues, had full knowledge of Raj Urns copyright in the *American*
4 *Pride* funeral urn, and directed and controlled ITLU's continued infringing actions.

5 15. On or about May 9, 2019, Raj Urns learned that Defendants had begun selling
6 substantially similar copies of Raj Urns *American Pride* and *Loving Doves* funeral urns. Raj Urns
7 promptly notified Defendants in writing of its copyrights and demanded that Defendants cease and
8 desist infringement within seven (7) days. Given the known historical relationship between ITLU
9 and UPD, Raj Urns provided the same noticed and demand to UPD.

10 16. Rather than cease knowing infringement, Defendants modified the ITLU website
11 to offer the infringing products at steeply discounted prices in an obvious attempt to sell-off
12 remaining inventory. The infringing products were not removed despite repeated email demands.

13 17. On or around May 14, 2019, Raj Urns sent Defendants yet another demand to
14 immediately cease infringement, which demand included sending copies of the respective
15 copyright registration. No reply was received. Raj Urns was able to independently confirm that
16 Defendants were still selling the infringing *American Flag Eagle* and *Memorial Dove* funeral urns
17 as of May 23, 2019.

18 18. On May 30, 2019, Raj Urns sent yet another demand letter to Defendants to cease
19 infringing sales. Defendants once again did not reply.

20 19. Despite repeated notices, on information and belief, Defendants have continued to
21 display, offer for sale and distribute products infringing Raj Urn's copyrighted *American Flag*
22 *Eagle* and *Memorial Dove* funeral urns.

23 20. Defendants have intentionally and willfully infringed Raj Urns' copyrighted
24 *American Pride* and *Loving Doves* at least through its website at *inthelighturns.com* to consumers
25 across the country, including to consumers in Washington state.
26

21. Defendants have at all relevant times been aware of the copyrighted nature of Raj Urns' *American Pride* and *Loving Doves*, including by way of a clear notice of copyright ownership and repeated warnings against infringement. Accordingly, at all relevant times, ITLU and its controller owner and executive Susan Fraser personally engaged in, ordered, had direct knowledge and/or should have known of the unauthorized copy, distribution and use of Raj Urns copyrighted *American Pride* and *Loving Doves* funeral urns, making the infringement willful in nature.

22. These acts of Defendants have caused and, unless restrained by this Court, will continue to cause serious and irreparable harm to Raj Urns. Moreover, Defendants have and will continue to unjustly benefit—at Raj Urns expense—from gains and profits derived from Defendants' infringement.

V. CAUSE OF ACTION—COPYRIGHT INFRINGEMENT

23. Raj Urns realleges the preceding paragraphs of this complaint.

24. Raj Urns is the sole owner of all right, title, and interest in and to the copyright for the funeral urns identified herein. Raj Urns has secured exclusive rights and privileges in and to the copyright for its funeral urns, as identified by the corresponding identified U.S. Copyright Registrations.

25. Defendants had access to Raj Urns copyrighted funeral urns based at least on its position as a direct competitor of Raj Urns and thus being aware of Raj Urns web site and Raj Urns online sales through such retailers as Amazon, eBay, Walmart, Urnsdirect2U, Unbeatable Sales, and Sears; readily available marketing materials, including Raj Urns online catalog; and, on its prior dealing with Raj Urns. In utter disregard of Raj Urns copyrights, Defendants have displayed, offered for sale and distributed substantially similar copies of *American Pride* and *Loving Doves* funeral urns without license in the conduct of its business. Accordingly, Defendants infringed and continue to infringe Raj Urns copyrights in its *American Pride* and *Loving Doves* funeral urns.

Defendants' infringing activities were and are deliberate, knowing, willful, and malicious, and were designed to provide Defendants with an economic benefit at Raj Urns' expense.

26. In doing so, Defendants have directly, indirectly and/or contributorily violated Raj Urns exclusive rights of at least reproduction, distribution and sale. Defendants' actions constitute infringement of Raj Urns exclusive rights protected under 17 U.S.C. § 101 *et seq.*

27. Raj Urns has sustained damages as a consequence of Defendants' wrongful actions, including its unauthorized creation of substantially similar copies, copying, distribution and use, in an amount to be determined at trial.

28. Defendants' actions constitute copyright infringement in violation of 17 U.S.C. § 101 *et seq.*

VI. PRAYER FOR RELIEF

WHEREFORE, Raj Urns prays for the following alternative and cumulative relief separately against Defendants:

- A. Pursuant to 17 U.S.C. §502, an order preliminarily and permanently enjoining Defendants and all persons in active concert or participation therewith from copying, creating derivative works based on, using, performing, circumventing copyright protections or otherwise exercising any copyrights owned by Raj Urns in its funeral urns, except pursuant to a lawful license or with the express authority of Raj Urns.
- B. Pursuant to 17 U.S.C. § 503, an order for seizure to recover, impound, and/or destroy all things infringing Raj Urns copyrighted funeral urns Defendants may possess or have under its control of those of any persons in active concert of participation therewith.
- C. An order that Defendants files with this Court and serve on Raj Urns, within 30 days of service of this order, a report in writing under oath setting forth in detail the manner and form in which Defendants have complied with the terms of the ordered relief.
- D. Pursuant to 17 U.S.C. § 504 or other applicable provision, for actual or statutory damages from Defendants, at the election of Raj Urns, and a finding of willful infringement and exemplary damages, as may be applicable.

- 1 E. Pursuant to 17 U.S.C. § 505, for Raj Urns' reasonable attorney's fees and costs, as
2 provided under applicable law.
3 F. An assessment of prejudgment and post-judgement interests and costs.
4 G. For such other and further relief as the Court deems proper.

5 RESPECTFULLY SUBMITTED July 9, 2019.

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